

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONG KONG ORIENTAL IMPORT AND
EXPORT CO. LTD.,

Plaintiff,

v.

CAL PACIFIC LIMITED INC.,

Defendant.

Case No. 15-cv-00273-JSC

**ORDER RE: MOTION FOR LEAVE TO
FILE A CREDITOR'S SUIT**

Re: Dkt. No. 32

In this civil action, Plaintiff obtained a clerk's default judgment against Defendant Cal Pacific Limited and a writ of execution was issued in the amount of \$3,519,918. (Dkt. Nos. 17 & 21.) The judgment debtor subsequently failed to appear at two judgment debtor exams. (Dkt. Nos. 25 & 29.) Plaintiff has now filed a Motion for Leave to File a Creditor's Suit wherein Plaintiff seeks leave to file a new complaint to collect funds that the judgment debtor allegedly fraudulently transferred to third parties. (Dkt. No. 32) Although Plaintiff states that the motion is filed pursuant to Federal Rule of Civil Procedure 69(a), California Code of Civil Procedure § 708.210, and California's Uniform Fraudulent Transfer Act, California Civil Code § 3439, et seq., the Court is not aware of a state or federal requirement that Plaintiff seek leave of the Court prior to filing a new civil action against a third party.

Accordingly, the Court sets a status conference for February 11, 2016 at 9:00 a.m. Plaintiff may contact Court Call at 1-888-882-6878 to make arrangements to appear by telephone. If Plaintiff prefers, Plaintiff may file a written submission that addresses the Court's question prior to the status conference.

IT IS SO ORDERED.

Dated: February 2, 2016


JACQUELINE SCOTT CORLEY
United States Magistrate Judge